

Claims 20-25 are pending the application; Claims 20-25 stand rejected.

Claims 20, 22 and 24 are rejected under 35 USC 102(e) as allegedly anticipated by Hastings *et al.*, who disclose a composition for promoting healthy joints which includes, among other components, ashwangandha (*Withania sominifera*) commonly known as Indian ginseng. The claimed invention is directed to a composition for disrupting amyloid fibrils comprising of, among other components, Ginseng. Ginseng is not defined in the specification of the pending application and therefore under the doctrine of claim differentiation, one would look to the plain dictionary meaning of the word. Ginseng is defined as plants belonging to the genus *Panax*. Ashwangandha (*Withania sominifera*), although commonly known as Indian ginseng, is in fact a member of the nightshade or *Solanaceae* family. Additionally, Applicant notes that Hsia *et al.*, discloses Siberian ginseng extract (column 12, line 33) which is also not a member of the ginseng *Panax* genus, as the scientific name is *Eleutherococcus senticosus*. Applicant traverses this rejection as neither Hastings nor Hsia disclose the claimed invention and respectfully requests that the rejection be withdrawn.

Claims 20 to 25 stand rejected under 35 USC 103(a) as allegedly obvious in view of Hastings in combination with Hsia. According to MPEP 2141.01(a), with respect to an obviousness rejection, any reference relied upon must be analogous. According to the standards applied *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443 (Fed. Cir. 1992), Applicant respectfully submits that neither Hastings nor Hsia should be considered analogous and are therefore not available in support of an obviousness rejection. To be considered analogous, the art must relate to the field of the Applicant's endeavor or be pertinent to the particular problem with which the inventor is concerned.

Hastings is directed to the formulation of nutritional supplements for promoting healthy joint function. The formulations of Hastings contain primarily hydrolyzed collagen and various antioxidants and anti-inflammatory agents.

Hsia is also directed to nutritional supplement formulations to increase HDL and calcium ions and decrease levels of blood glucose which may help avoid the harmful

biological effects of free radicals in the human system, namely inflammation, collagen degradation and cardiovascular disease. Hsia's formulations are multivitamins combined with plant juice concentrates which are shown to increase the levels of calcium ions and HDL and decrease levels of blood glucose.

In contrast, the Applicant's field of endeavor is the development of pharmaceutical/pharmacological agents for therapeutic intervention in Alzheimer's disease and other amyloidoses. In Alzheimer's disease and other amyloidoses, fibrillar deposits of beta-amyloid accumulate in the brain and lead to neuronal cell death. Clearly the fields of endeavor of the applied references and the applicants are unrelated.

The problem to which the pending application is directed is the reduction of the brain amyloid burden. Specifically, the compositions tested were found to contribute to the reduction, dissolution, disruption and inhibition of beta-amyloid fibrils. In contrast, both Hastings and Hsia are directed to the development of formulations of improving joint health and increasing HDL and calcium ions and decreasing levels of blood glucose, unrelated to the treatment of amyloidosis.

Applicant respectfully requests that the obviousness rejection be withdrawn as neither the Hastings nor Hsia reference are related to the field of the Applicants endeavor, nor are they pertinent to the particular problem to which the pending application is directed and are therefore not applicable.

Claims 20 to 25 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Applicant submits that a terminal disclaimer will be timely filed once allowable subject matter is indicated.

Applicant believes it has responded fully to all of the concerns expressed by the Examiner in the Office Action. Applicant respectfully requests reexamination of all rejected claims and early favorable action on them. If the Examiner has any further concerns, Applicant requests an immediate call to Patrick Dwyer at (425) 823-0400 ext. 39.

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Respectfully submitted,



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